

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARNELL BAILEY,)	
)	
Plaintiff,)	Civil Action No. 02-4683
)	
v.)	Judge James Knoll Gardner
)	
LUCENT TECHNOLOGIES INC. and)	
AGERE SYSTEMS INC.,)	
)	
Defendants.)	

JOINT MOTION TO CONTINUE TRIAL

The parties, through their undersigned counsel, move this Court to continue the trial of this matter. In support of this Motion, the parties state as follows:

1. Pursuant to this Court's October 20, 2003 Order, this case is attached for trial beginning Monday, March 22, 2004.
2. Defendants' Motion for Summary Judgment is pending with the Court.
3. The parties would substantially benefit from a delay in the trial and the need to undertake final trial preparations until after the Court rules on Defendants' Motion for Summary Judgment.
4. Resolution of Defendants' Motion for Summary Judgment could limit the issues before the Court, the number of witnesses needed for trial, or the need for a trial altogether.
5. All parties and witnesses involved would benefit from a determination of what, if any, issues remain for trial, which they would receive if the trial is delayed until Defendants' Motion for Summary Judgment has been decided.
6. Counsel for Plaintiff has reviewed and approved this Motion and authorized counsel for Defendants to file this document electronically on behalf of both parties.

WHEREFORE, the parties respectfully request that the Court release this case from the March 22, 2004 jury trial pool and reschedule the trial for a mutually convenient time following the resolution of Defendants' Motion for Summary Judgment.

Respectfully submitted,

/s/ Glennis L. Clark

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Dated: March 12, 2004

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Dated: March 14, 2004

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Defendants.)	

ORDER

AND NOW, this ____ day of March, 2004, upon consideration of the parties' Joint Motion to Continue Trial, is hereby ORDERED that the motion is GRANTED, and that the trial in this matter is rescheduled for the trial pool commencing _____, 2004.

James Knoll Gardner
United States District Judge